

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 COLLEEN MARTIN  
4 Assistant Federal Public Defender  
5 555 - 12th Street  
6 Suite 650  
7 Oakland, CA 94607-3627  
8 Telephone: (510) 637-3500

9 Counsel for Defendant ANTOINE MOORE  
10  
11  
12  
13  
14  
15  
16

17 IN THE UNITED STATES DISTRICT COURT  
18  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20  
21 UNITED STATES OF AMERICA, ) No. CR10-469 CW (DMR)  
22 Plaintiff, )  
23 vs. )  
24 ANTOINE MOORE, )  
25 Defendants. )  
26

---

27 The above-captioned matter is set on the criminal duty calendar for Wednesday, July 28,  
28 2010 for status or motions setting. The parties jointly request that the appearance be vacated and  
29 reset for September 2, 2010.

30 Mr. Moore made his initial appearance on July 5, 2010. The government has provided  
31 some discovery. The defense has requested additional discovery, and the government is in the  
32 process of obtaining that information. Once the defense receives that discovery, counsel for Mr.  
33 Moore will need to review that discovery and discuss it with Mr. Moore. Counsel for Mr. Moore  
34 is additionally conducting investigation and legal research, but that investigation and research is  
35 not yet complete. Finally, counsel for Mr. Moore will be out of the office on leave from August  
36 16 through September 1.

1       The failure to grant such a continuance would unreasonably deny counsel the reasonable  
2 time necessary for effective preparation, taking into account the exercise of due diligence. It  
3 would also deny the defendant continuity of counsel.

4       The parties further stipulate and agree that the time from the date of this Stipulation to  
5 September 2, 2010, should be excluded in accordance with the provisions of the Speedy Trial  
6 Act, 18 U.S.C. §§ 3161(h)(7)(A) on the basis that the ends of justice are served by taking such  
7 action which outweigh the best interest of the public and the defendant in a speedy trial and also  
8 under subsection (B)(iv) for continuity of counsel and for effective preparation of counsel, taking  
9 into account the exercise of due diligence.

10 DATED: July 26, 2010

/S/

TREVOR RUSIN  
Special Assistant United States Attorney

12 DATED: July 26, 2010

/S/

COLLEEN MARTIN  
Assistant Federal Public Defender

15 **SIGNATURE ATTESTATION**

16       I hereby attest that I have on file all holograph signatures for any signatures indicated by  
17 a "conformed" signature (/S/) within this e-filed document.

18

19

20

21

22

23

24

25

26

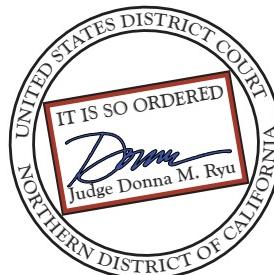
## ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in this case, currently scheduled for Wednesday, July 28, 2010 at 10:00 a.m., is continued to September 2, 2010 at 9:30 a.m.

IT IS FURTHER ORDERED that the time from the date of this Order to September 2, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account due diligence, given the need for the government to obtain and provide additional discovery and the need for the defense to conduct additional legal and factual research, investigation, and review of discovery.

SO ORDERED.

DATED: 7/27/2010



**DONNA M. RYU**  
United States Magistrate Judge